

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION**

JONATHAN QUINTERO, et al.,

Plaintiffs,

No. 1:23-cv-01452-CL

v.

ORDER

CITY OF MEDFORD, et al.,

Defendants.

AIKEN, District Judge.

This case comes before the Court on a Findings and Recommendation filed by Magistrate Judge Mark Clarke. ECF No. 29. Judge Clarke recommends GRANTING Defendants' Motions to Dismiss, ECF No 7 (Defendants Ryan Groom and Jackson County), and ECF No. 8 (Defendants Ben Lytle and City of Medford). Judge Clarke recommends that all claims should be dismissed with prejudice and without leave to amend.

Under the Federal Magistrates Act, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). If a party files objections to a magistrate judge’s findings and recommendations, “the court shall make a *de novo* determination of those portions of the report or specified proposed findings or recommendations to which objection is made.” *Id.*; Fed. R. Civ. P. 72(b)(3).

For those portions of a magistrate judge's findings and recommendations to which neither party has objected, the Act does not prescribe any standard of review. *See Thomas v. Arn*, 474 U.S. 140, 152 (1985) ("There is no indication that Congress, in enacting [the Act], intended to require a district judge to review a magistrate's report to which no objections are filed."). Although no review is required in the absence of objections, the Magistrates Act "does not preclude further review by the district judge[] *sua sponte* . . . under a *de novo* or any other standard." *Id.* at 154. The Advisory Committee Notes to Fed. R. Civ. P. 72(b) recommend that "[w]hen no timely objection is filed," the court should review the recommendation for "clear error on the face of the record."

In this case, Plaintiffs filed objections, ECF No. 31, and Defendants responded, ECF Nos 32, 33. The Court has reviewed the complaint; the motions and legal memoranda; the objections and responses; and the F&R and finds no error. The F&R is therefore ADOPTED and this case is DISMISSED with prejudice and without leave to amend. Final judgment shall be entered accordingly.

It is so ORDERED and DATED this 26th day of June 2024.

/s/Ann Aiken
ANN AIKEN
United States District Judge